



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 21, 2004

Bruce Bleak
Rt 1 Box 27
Moore, ID 83255

Re: Proposed alternative mitigation plan received June 4, 2004

Dear Mr. Bleak:

The Idaho Department of Water Resources (IDWR) has received your proposed alternative mitigation plan on June 4, 2004. In your letter, you stated that you are not diverting ground water at the maximum diversion rate allowed by your water right. You propose that IDWR consider the reduced pumping rate as mitigation for your ground water use.

IDWR has determined that this is not an acceptable mitigation plan. The purpose of mitigation is to provide replacement water or other compensation to senior surface water right holders in order to be allowed to continue to divert junior ground water rights out-of-priority. Any diversion of ground water from your well is out-of-priority with respect to senior surface water rights, regardless of whether or not you are diverting the maximum rate authorized by your water right. Please note that you are only required to mitigate for the amount of ground water that you divert, not the amount of ground water that your water right authorizes. While your reduction in pumping rate does not exempt you from mitigation requirements, it does reduce the amount of mitigation you are required to provide.

Because IDWR has determined that your proposed mitigation plan is not acceptable, you will be subject to any assessments made by Water District 34 to cover the costs of mitigation, assuming that Water District 34 submits an acceptable plan to IDWR. You have the option of reducing your assessment by reducing or ceasing your diversion of ground water during the remainder of the 2004 irrigation season.

Respectfully,

Tim Luke
Water Distribution Section

cc: Robert Duke, Watermaster, Water District 34
Seth Beal, Advisory Board Chairman, Water District 34
IDWR Eastern Region

N:\Lost River WD34\Corrspndc\2004\06-10Bleak.doc